

STATEMENT OF SENATOR THAD COCHRAN  
Senate Debate on FY2009 Omnibus Appropriations Bill  
March 2, 2009

Mr. President, I am pleased to join my friend and distinguished colleague from Hawaii, in presenting the 2009 Omnibus Appropriations Act to the Senate. This bill contains the nine regular appropriations bills that have not been enacted, and accounts for nearly half of all regular discretionary spending for the 2009 fiscal year.

I am supporting the approval of this bill by the Senate even though the process that has brought us to this point has left a lot to be desired.

I also share with those on my side of the aisle the concerns about the level of discretionary spending contained in this bill, which is \$20 billion over President Bush's request.

I voted against the budget resolution that established the discretionary spending allocations for this bill, and I voted in favor of Sen. Gregg's motion to instruct the conferees on the budget resolution to lower the discretionary caps to more modest levels. That motion was defeated by one vote, and the conference report on the budget resolution was adopted.

I commend my friend from Hawaii for resisting pressure to add controversial new policy matter to this bill. This is new legislation as opposed to a conference report, and as such any number of policy riders could have been included. A few provisions, such as language dealing with the Endangered Species Act, were included, but largely the bill stays within the legislation represented by the House and Senate bills.

Of the nine bills in this omnibus measure, none were ever considered on the floors of the House or the Senate. Two of the bills were never marked up in the Senate Committee, and six of the bills were not marked up in the House Committee.

But I can assure the Senate that the content of the legislation before us is consistent with the parameters established by the individual House and Senate bills, even though some of those bills were never formally presented to either body.

Previous omnibus bills have been comprised of individual bills reported by the House and Senate committees, and generally of bills that were passed by at least one of the legislative bodies. The bill before us today is a new kind of legislative document, which I hope we will not see replicated in the future.

Last year the bicameral leadership made a conscious decision not to engage President Bush on spending issues, and to avoid taking votes on extending the ban on Outer Continental Shelf oil and gas leasing. Perhaps that decision had some political benefits, but procedurally and substantively it had detrimental impacts.

First of all, the moratorium on Outer Continental Shelf oil and gas leasing has been removed from the Interior appropriations bill.

Second, for the last six months most Federal agencies have been compelled to operate at funding levels very similar to those they would have received had we simply enacted the individual bills in a form that President Bush would have signed. Today we could be discussing the merits of supplemental appropriations, if they had been needed, rather than starting from scratch halfway through the fiscal year.

Had we enacted the appropriations bills last fall, agencies would have been carrying out their responsibilities with approved levels of funding. Funding for buildings, roads, trails, and water projects that would have provided jobs would have been obligated. To the extent those activities might have helped stimulate the economy, they would have been very beneficial. Instead, due to inaction by Congress, agencies have been in a holding pattern for nearly half of the fiscal year under the terms of the Continuing Resolution.

Two weeks ago, Congress sent to the President a huge stimulus bill that contained some \$311 billion in appropriations for a variety of programs. We had a vigorous debate about the bill in the Senate, and it passed with the minimum number of votes required.

I voted against the stimulus bill in part because the bill included large amounts of funding for programs that are not immediately stimulative – such as health information technology and broadband deployment. These would have been more appropriately considered in the context of a Presidential budget, and at the more measured pace of the annual appropriations process. We will be living with the impacts of these decisions, made in the stimulus bill – all made in great haste – for years to come.

It is fair to ask to what degree does the omnibus bill duplicate the stimulus bill.

There is no question that the order in which we are considering the stimulus and the omnibus is exactly backward. We should have used the stimulus bill to supplement regular appropriations, not the other way around.

There are a number of accounts and programs funded in this omnibus bill that are also funded in the stimulus bill. In most cases the omnibus funds those programs at or near prior year levels, and one can argue that the stimulus funding for those programs was a deliberate supplement. In other cases the omnibus funds the same accounts contained in the stimulus, but for different purposes. And there are a few programs in the omnibus that, quite frankly, should have been scaled back based on the contents of the stimulus bill.

Despite the unconventional and unfortunate process by which this bill was produced, it does represent a product that was fairly negotiated.

Some would like us to enact a Continuing Resolution for the remainder of the year that holds programs to their FY 2008 funding levels, thereby saving billions of dollars. But knowing the impact that a full year Continuing Resolution would have on individual programs, I don't think the majority would propose such a measure. And I don't think the President would sign it.

Another possible outcome would be a modified Continuing Resolution similar to that enacted for Fiscal Year 2007 – something that would eliminate all manner of Congressional directives and oversight mechanisms, but spend no less money than we are currently considering.

Surely there are other possible outcomes. But in my view continued uncertainty in the day-to-day operations of the Federal government at a time of national crisis is not worth the marginal and highly speculative gains that might come from defeating this bill.

We now have received a preliminary budget from the new President. In a few weeks we'll be considering the budget resolution for Fiscal Year 2010, and will be debating such things as appropriate discretionary spending levels. I look forward to a debate on that measure, as there is much in the President's budget request worth debating.

But it is time to put the Fiscal Year 2009 budget to rest.

I am committed to do everything in my power not to repeat the dismal process that has brought us to this juncture. I know that the Chairman of the Committee -- the Senator from Hawaii -- shares that commitment. Neither of us wants to deny Senators the opportunity to shape appropriations bills early in the process through amendment and discussion of alternatives. Neither of us wants to by hide anything from the scrutiny of the legislative process. And neither of us wants Members to have to pass judgment on nine appropriations bills at once, rather than individually.

I thank the Senator from Hawaii for the job he has done as Chairman of the Appropriations Committee. He is leading the Committee through a trying time, he is doing it in the very best sense of partisanship and is establishing working relationships that will serve the interest of not only the United States Senate, but of the American People. These are relationships that our committee can contribute to in the future. I look forward to continuing to work with him to achieve timely and open consideration of other appropriations bills.